

1 Richard Spencer
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3 UNITED STATES DISTRICT COURT

4 FOR THE WESTERN DISTRICT OF VIRGINIA

5 CHARLOTTESVILLE DIVISION

7 ELIZABETH SINES *et al.*,

Case No: 3:17-cv-00072-NKM

8 Plaintiffs

9 vs.

RULE 50

10 JASON KESSLER, *et al.*,

11 Defendants

12
13 **DEFENDANT SPENCER'S MOTION FOR JUDGEMENT AS A MATTER OF LAW**

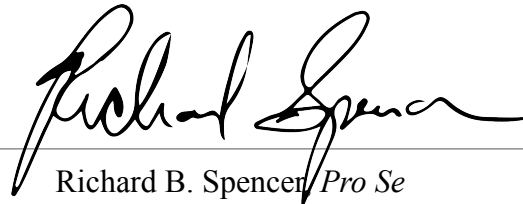
14
15 COMES NOW Defendant Richard Spencer, *pro se*, who moves for dismissal as a matter
16 of law, in accordance with Rule 50, as to all claims against him in the Plaintiffs' Second
17 Amended Complaint. Mr. Spencer incorporates everything said on this matter in Court, when he
18 made this motion orally.

19 Throughout the course of this trial, Plaintiffs have manifestly failed to present evidence
20 that Mr. Spencer is liable under §1985, whose essence is, "[T]wo or more persons ... conspire ...
21 for the purpose of depriving, either directly or indirectly, any person or class of persons of the

1 equal protection of the law.” Additionally, §1986 is equally irrelevant in light of evidence
2 presented: “Every person who, having knowledge that any of the wrongs conspired to be done ...
3 and having power to prevent or aid in preventing the commission of the same, neglects or refuses
4 so to do, if such wrong acts be committed, shall be liable to the party injured, for all damages
5 caused by such wrongful acts ...”

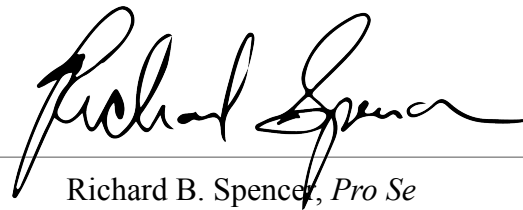
6 The Plaintiffs’ case revolves around the Charlottesville Discord server, which was used
7 for the planning of the rally. Allegedly, many comments therein suggested the desire for violence
8 and mayhem. The Plaintiffs’ own expert witness, Dr. Peter Simi, testified that no evidence exists
9 indicating that Mr. Spencer participated in this Discord server whatsoever, which was not public
10 during the time in question and thus required a direct invitation. Mr. Spencer thus had no ability
11 to discern whether malign actions were discussed or promoted. In their case against Mr. Spencer,
12 Plaintiffs’ thus relied on bold comments made by Mr. Spencer throughout the years—many of
13 which bore no relation to the Charlottesville rally—to prove, essentially, that he is an outrageous
14 person, whose favorite rhetorical flourishes include “war,” “domination,” “conquest,” etc. That
15 Mr. Spencer is an outrageous person is not in dispute; unfortunately, Mr. Spencer’s voluminous
16 commentary on world affairs is protected by the First Amendment.

17
18 The 17h of November, 2021.

19
20 
Richard B. Spencer *Pro Se*

CERTIFICATE OF SERVICE

I certify that on the November 17, 2021, a true and correct copy of the foregoing Motion for Summary Justice was mailed to the Clerk of the Court, which will provide electronic notice to all counsel of record.



Richard B. Spencer, *Pro Se*

I further hereby certify that on November 17, 2021, I also served the following non-ECF participants, via electronic mail, as follows:

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